

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRECKENRIDGE PROPERTY FUND
2016, LLC,

Plaintiff,

v.

DIANE OHLSSON,

Defendant.

Case No. 21-cv-03768-JSC

ORDER RE: MOTION TO REMAND

Re: Dkt. Nos. 4, 11

Before the Court is Plaintiff's motion to remand.¹ (Dkt. No. 4.)² Defendant, who is proceeding without representation by a lawyer, also seeks remand. (Dkt. No. 11.) She avers that she previously filed notice of removal "according to the best of my knowledge and informed belief at that time," but "due to new information and better understanding of [] available defenses" requests remand to state court. (*Id.* at 3.)

The party seeking removal has the burden to establish that removal is proper, and the Court resolves all uncertainty in favor of remand. *Hunter v. Philip Morris USA*, 582 F.3d 1039, 1042 (9th Cir. 2009); *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). Defendant has declined to meet her burden, and her position appears to have changed in good faith. Accordingly, the Court GRANTS the motion to remand and VACATES the hearing set for July 8, 2021. This action is remanded to the Superior Court for the County of Alameda.

This Order disposes of Docket Nos. 4, 11.

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¹ All parties have consented to the jurisdiction of a magistrate judge pursuant to 28 U.S.C. § 636(c). (Dkt. Nos. 5, 9.)

² Record citations are to material in the Electronic Case File ("ECF"); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

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IT IS SO ORDERED.

Dated: July 1, 2021


JACQUELINE SCOTT CORLEY
United States Magistrate Judge